



City of Bellevue
Development Services Department
Land Use Staff Report

Proposal Name: Kim Residence

Proposal Address: 1415 109th Ave SE

Proposal Description: Critical Area Land Use Permit to reduce the toe of slope structure setback from 75 feet to 20 feet to demolish an existing structure and construct a new single family residence. Proposal includes mitigation and enhancement plantings.

File Number: 17-130937-LO

Applicant: Mike Perry


Decision Included: Critical Areas Land Use Permit
(Process II. LUC 20.30P)

Planner: Leah Chulsky

**State Environmental Policy Act
Threshold Determination:** Exempt

Director's Decision: **Approval with Conditions**

Mike Brennan, Director
Development Services Department

By: 
Elizabeth Stead, Land Use Director

Application Date: December 19, 2017
Notice of Application Publication Date: January 18, 2018
Minimum Comment Period: February 1, 2018
Decision Publication Date: August 30, 2018

For information on how to appeal a proposal, visit Development Services Center at City Hall or call (425) 452-6800. Comments on State Environmental Policy Act (SEPA) Determinations can be made with or without appealing the proposal within the noted comment period for a SEPA Determination. Appeal of the Decision must be received in the City's Clerk's Office by 5 PM on the date noted for appeal of the decision.

Figure 2 – Aerial Photograph



III. Site Context

A. Critical Areas:

i. Geologic Hazard Areas

Geologic hazards pose a threat to the health and safety of citizens when commercial, residential, or industrial development is inappropriately sited in areas of significant hazard. Some geologic hazards can be reduced or mitigated by engineering, design, or modified construction practices. When technology cannot reduce risks to acceptable levels, building in geologically hazardous areas is best avoided (WAC 365-190).

Steep slopes may serve several other functions and possess other values for the City and its residents. Several of Bellevue’s remaining large blocks of forest are located in steep slope areas, providing habitat for a variety of wildlife species and important linkages between habitat areas in the City. These steep slope areas also act as conduits for groundwater, which drains from hillsides to provide a water source for the City’s wetlands and stream systems. Vegetated steep slopes also provide a visual amenity in the City, providing a “green” backdrop for urbanized areas enhancing property values and buffering urban development.

IV. Consistency with Land Use Code Requirements:

A. Zoning District Dimensional Requirements:

The property is within the R-3.5 zoning district. Based on the materials submitted, the proposal is consistent with the underlying zoning district and consistent with the dimensional requirements in LUC 20.20.010 including, structure setbacks, lot coverage, and impervious surface.

Finding: No changes in grade outside the allowed developable area are proposed. See Conditions of Approval in Section IX of this report.

7. Building foundation walls shall be utilized as retaining walls rather than rockeries or retaining structures built separately and away from the building wherever feasible. Freestanding retaining devices are only permitted when they cannot be designed as structural elements of the building foundation;

Finding: No freestanding retaining walls are proposed.

8. On slopes in excess of 40 percent, use of pole-type construction which conforms to the existing topography is required where feasible. If pole-type construction is not technically feasible, the structure must be tiered to conform to the existing topography and to minimize topographic modification;

Finding: No construction will occur within the steep slope critical area. See Conditions of Approval in Section IX of this report.

9. On slopes in excess of 40 percent, piled deck support structures are required where technically feasible for parking or garages over fill-based construction types; and

Finding: There will be no deck structures that extend within the steep slope critical area. See Conditions of Approval in Section IX of this report.

10. Areas of new permanent disturbance and all areas of temporary disturbance shall be mitigated and/or restored pursuant to a mitigation and restoration plan meeting the requirements of LUC 20.25H.210.

Finding: All areas of temporary disturbance and permanent disturbance will be restored, mitigated, and monitored pursuant to the approved restoration, mitigation, and monitoring plan. See Conditions of Approval in Section IX of this report.

V. Summary of Technical Reviews

Clearing and Grading:

The Clearing and Grading Division of the Development Services Department has reviewed the proposed site development for compliance with Clearing and Grading codes and standards. The Clearing and Grading staff found no issues with the proposed development and concurred with the findings within the Geotechnical Report.

VI. Public Notice and Comment

Application Date:	December 19, 2017
Public Notice (500 feet):	January 18, 2018
Minimum Comment Period:	February 1, 2018

The project was publicly noticed in the City’s Weekly Permit Bulletin on January 18, 2018 with notice mailed to property owners within 500 feet of the project site. No public comments

applicable requirements of the Land Use Code. The proposed development must also comply with the standards of LUC 20.20.010 for the R-3.5 zoning district. See Conditions of Approval in Section IX of this report.

VIII. Conclusion and Decision

After conducting the various administrative reviews associated with this proposal, including Land Use Code consistency, City Code and Standard compliance reviews, the Director of Development Services does hereby **approve with conditions** this application for a Critical Areas Land Use Permit to reduce the toe of slope structure setback to 20 feet to demolish an existing structure and construct a new single family residence.

Note- Expiration of Approval: In accordance with LUC 20.30P.150 a Critical Areas Land Use Permit for the proposed development automatically expires and is void if the applicant fails to file for a Building Permit or other necessary development permits within one year of the effective date of the approval.

IX. Conditions of Approval

The applicant shall comply with all applicable Bellevue City Codes and Ordinances including but not limited to:

<u>Applicable Codes or Ordinances</u>	<u>Contact Person</u>
Clearing and Grading Code – BCC 23.76	Savina Uzunow, 425-452-5207
Land Use Code – LUC 20.25H	Leah Chulsky, 425-452-6834
Noise Control – BCC 9.18	Leah Chulsky, 425-452-4578
Construction Code – BCC 23	Building Division, 425-452-4121

The following conditions are imposed under the Bellevue City Code or SEPA authority referenced:

- 1. Building Permit Required:** Prior to the commencement of any development activity on this site, the applicant shall submit a single-family building permit application and shall include with the application a copy of the proposed mitigation, restoration, maintenance, and monitoring plan. The proposed development must comply with the requirements of LUC 20.20.010.

Authority: Land Use Code 20.30P.140
Reviewer: Leah Chulsky, Development Services Department

- 2. Maintenance Surety:** In order to ensure the mitigation and restoration successfully establishes, a maintenance assurance device that is equal to 100% of the cost of plants, installation, and monitoring is required to be held for a period of five years from the date of successful installation. Five years of maintenance and monitoring is required. The maintenance assurance device will be released to the applicant upon receipt of documentation of reporting successful establishment in compliance with the performance standards described below.

Authority: Land Use Code 20.30P.140

All restored areas of temporary disturbance are subject to five years of maintenance and monitoring.

Authority: Land Use Code 20.25H.220.H
Reviewer: Leah Chulsky, Development Services Department

- 6. Rainy Season Restrictions:** Due to the proximity to a steep slope, no clearing and grading activity may occur during the rainy season, which is defined as November 1 through April 30 without written authorization of the Development Services Department. Should approval be granted for work during the rainy season, increased erosion and sedimentation measures, representing the best available technology must be implemented prior to beginning or resuming site work.

Authority: Bellevue City Code 23.76.093.A
Reviewer: Savina Uzunow, Development Services Department, Clearing and Grading Section

- 7. Geotechnical Review:** The project geotechnical engineer must review the final plans, including all foundation, retaining wall, and pile designs. A letter from the geotech stating that the plans conform to the recommendations in the geotechnical report and any addendums and supplements must be submitted to the clearing and grading section prior to issuance of the construction permit.

Authority: Clearing & Grading Code 23.76.050
Reviewer: Savina Uzunow, Development Services Department, Clearing & Grading Section

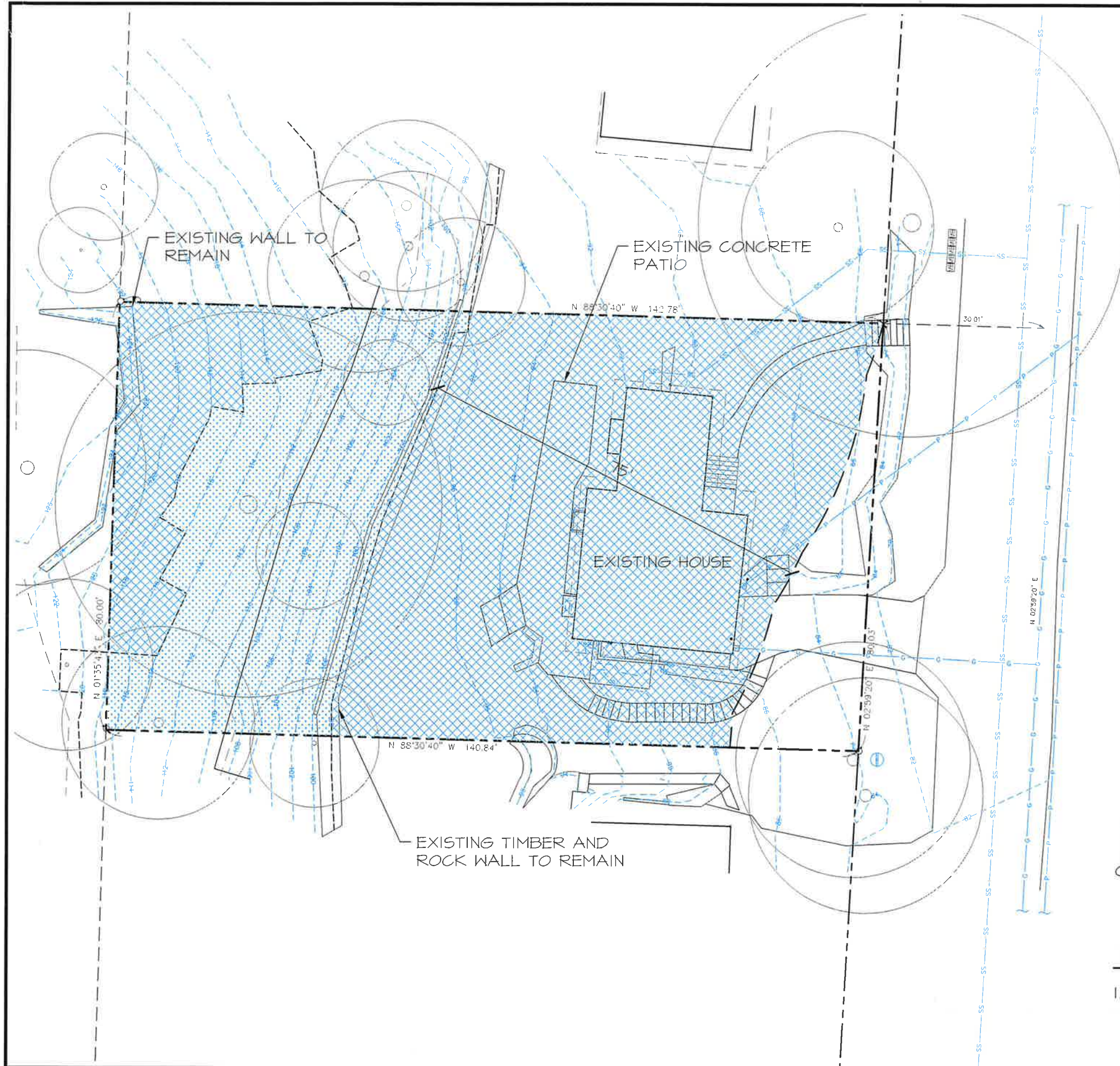
- 8. Geotechnical Monitoring:** The project geotechnical engineer of record or his/her representative must be on site during critical earthwork operations. The geotechnical engineer must monitor and test soil cuts and fills, pile installation, subgrades for footings, utility trench backfill, and any unusual seepage, slope, or subgrade conditions.

Authority: Clearing & Grading Code 23.76.050
Reviewer: Savina Uzunow, Development Services Department, Clearing & Grading Section

- 9. Clearing Limits and Temporary Erosion and Sedimentation Control:** Prior to the initiation of any clearing or grading activities, clearing limits and the location of all temporary erosion and sedimentation control measure shall be field staked for approval by the on-site clearing and grading inspector.

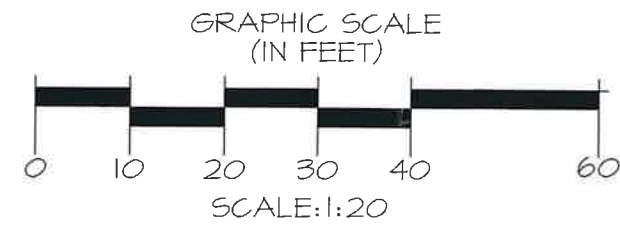
Authority: Bellevue City Code 23.76.060 and 23.76.090
Reviewer: Savina Uzunow, Development Services Department, Clearing & Grading Section

- 10. Hold Harmless Agreement:** Prior to building permit or clearing and grading permit approval, the property owner or his/her agent shall submit a hold harmless agreement releasing the City of Bellevue from any and all liability associated with the installation of slope stabilization measures. The agreement must meet city requirements and must be reviewed by the City Attorney's Office for formal approval.



PLAN LEGEND

- PROPERTY LINE
- 40%+ STEEP SLOPE
- 75' STEEP SLOPE BUFFER
- [Pattern] 40%+ STEEP SLOPE
- [Pattern] 75' BOTTOM OF STEEP SLOPE SETBACK, 50' TOP OF SLOPE SETBACK



NOTES

- BASE INFORMATION PROVIDED BY TERRANE, 10801 MAIN STREET, SUITE 102, BELLEVUE, WA 98004, (425) 458-4488.

PROJECT	5583
DRAWN	SO
SCALE	AS NOTED
DATE	12-05-17
REVISED	1/5

FIGURE 1: EXISTING CRITICAL AREAS
 KIM RESIDENCE
 1415 - 109TH AVE. SE
 BELLEVUE, WA 98004
 PARCEL #242570-0060



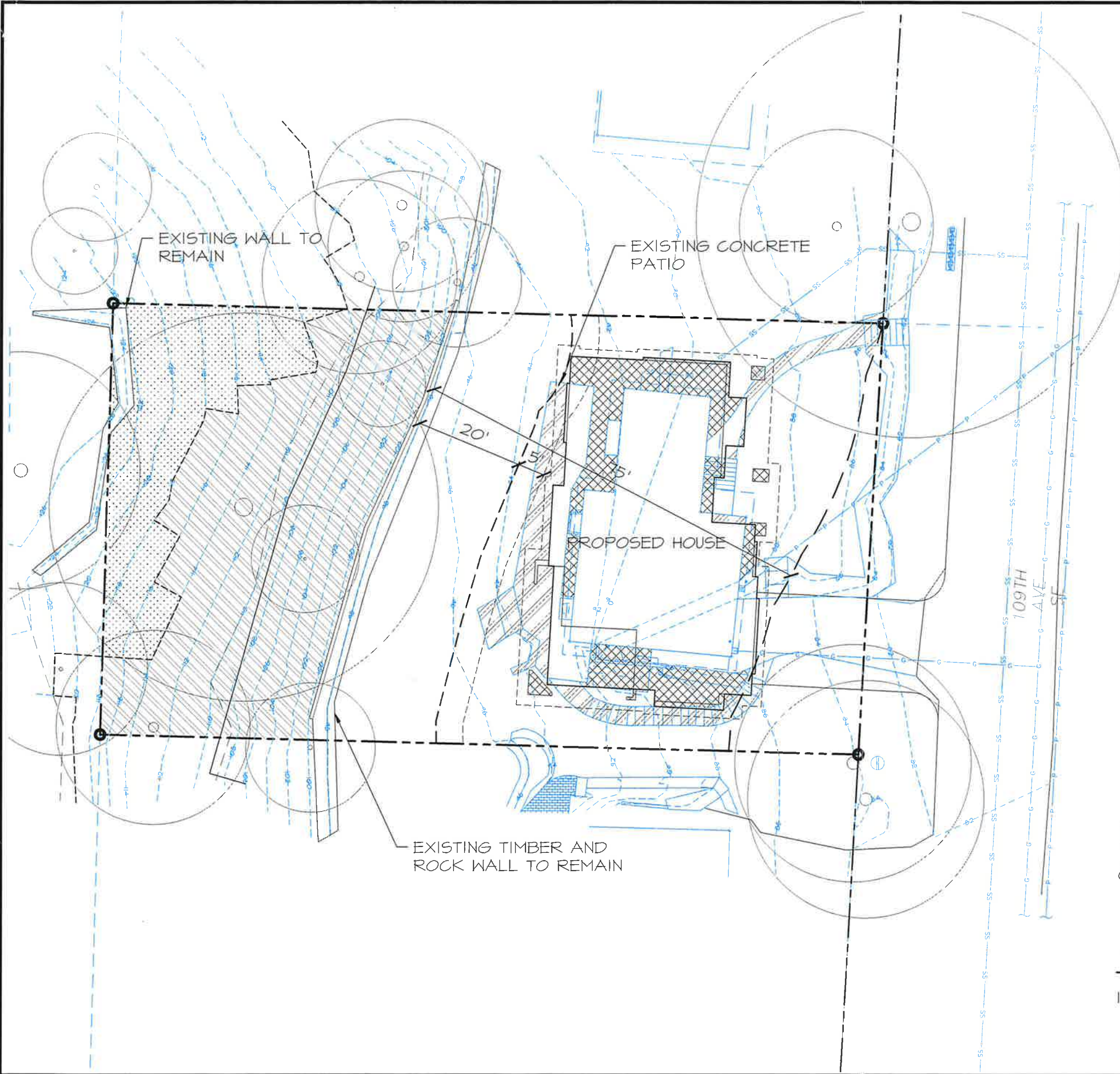
Altmann Oliver Associates, LLC
 Environmental Planning & Landscape Architecture
 PO Box 9000, Camas, WA 98614
 Office: (425) 333-4331 x4 (425) 333-4399

Received

DEC 19 2017

Permit Processing

17-130937-10



PLAN LEGEND

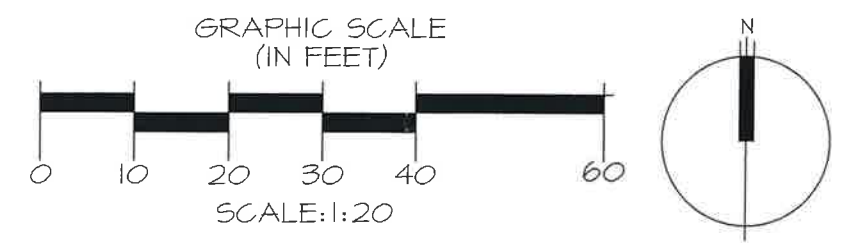
- PROPERTY LINE
- 40%+ STEEP SLOPES
- 75' STEEP SLOPE BUFFER
- PROPOSED 20' STEEP SLOPE BUFFER PER GEOTECHNICAL ENGINEER
- BSBL

IMPACT LEGEND

- NEW STEEP SLOPE BUFFER IMPACTS 628 SF

MITIGATION LEGEND

- IMPERVIOUS SURFACE TO BE REMOVED 547 SF
- STEEP SLOPE ENHANCEMENT 2,727 SF
- STEEP SLOPE BUFFER ENHANCEMENT 1,156 SF

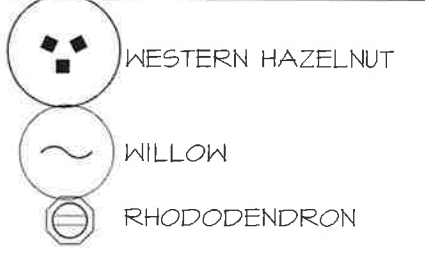


NOTES

1. BASE INFORMATION PROVIDED BY TERRANE, 10801 MAIN STREET, SUITE 102, BELLEVUE, WA 98004, (425) 458-4488.



EXISTING PLANTS



PLANT SCHEDULE

TREES

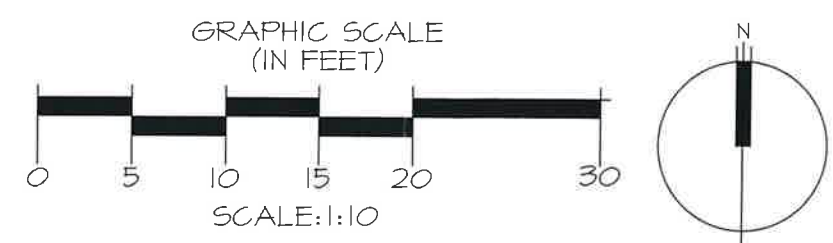
KEY	SCIENTIFIC NAME	COMMON NAME	SPACING	QTY.	SIZE (MIN.)	NOTES
AC	ACER CIRCINATUM	VINE MAPLE	10' O.C.	9	2 GAL.	MULTI-STEM (3 MIN.)
TP	THUJA PLICATA	WESTERN RED CEDAR	AS SHOWN	9	2 GAL.	FULL & BUSHY

SHRUBS

KEY	SCIENTIFIC NAME	COMMON NAME	SPACING	QTY.	SIZE (MIN.)	NOTES
M	MAHONIA AQUIFOLIUM	TALL OREGON GRAPE	3' O.C.	70	1 GAL.	FULL & BUSHY
OC	OEMLERIA CERASIFORMIS	INDIAN PLUM	5' O.C.	10	1 GAL.	MULTI-STEM (3 MIN.)
R	ROSA GYMNOCARPA	BALDHIP ROSE	3' O.C.	62	1 GAL.	MULTI-STEM (3 MIN.)
S	SYMPHORICARPOS ALBUS	SNOWBERRY	3' O.C.	72	1 GAL.	MULTI-STEM (3 MIN.)

GROUND COVER

KEY	SCIENTIFIC NAME	COMMON NAME	SPACING	QTY.	SIZE (MIN.)	NOTES
	MAHONIA NERVOSA	DULL OREGON GRAPE	2' O.C.	173	1 GAL.	FULL & BUSHY
	POLYSTICHUM MUNITUM	SWORD FERN	3' O.C.	136	1 GAL.	FULL & BUSHY



NOTES

- BASE INFORMATION PROVIDED BY TERRANE, 10801 MAIN STREET, SUITE 102, BELLEVUE, WA 98004, (425) 458-4488.

PROJECT

5583

DRAWN

SO

SCALE

AS NOTED

DATE

12-05-17

REVISED

3/5

FIGURE 3: PLANTING PLAN

KIM RESIDENCE

1415 - 109TH AVE. SE

BELLEVUE, WA 98004

PARCEL #242570-0060

Altman Oliver Associates, LLC

AOA

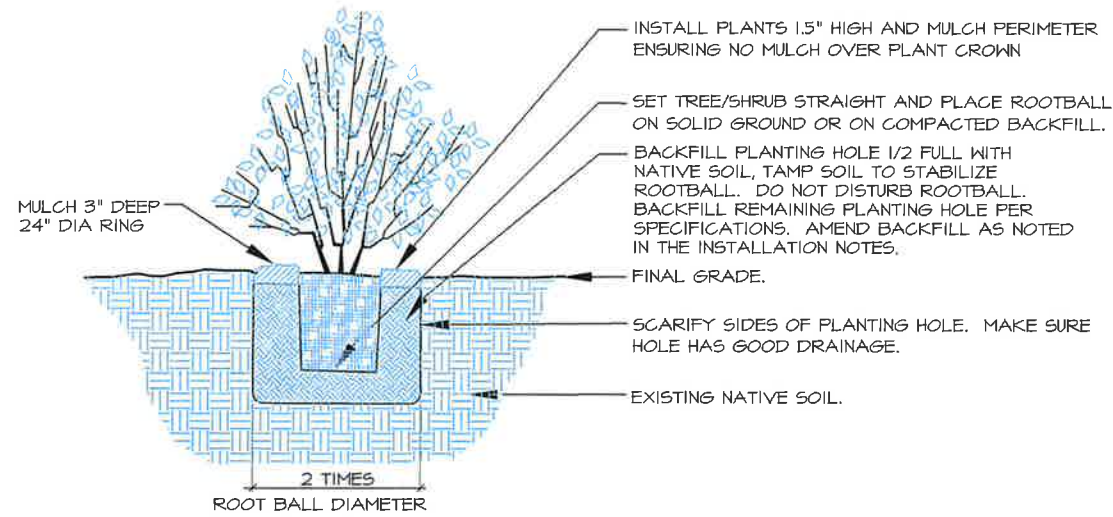
Environmental Planning & Landscape Architecture

Office (425) 333-4535 Fax (425) 333-4599

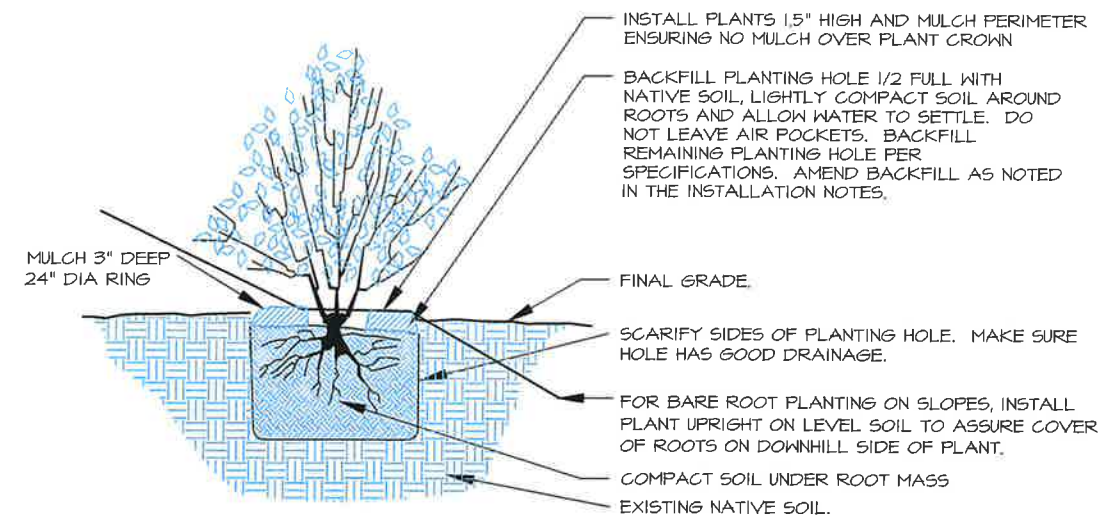
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Canalton, WA 98014

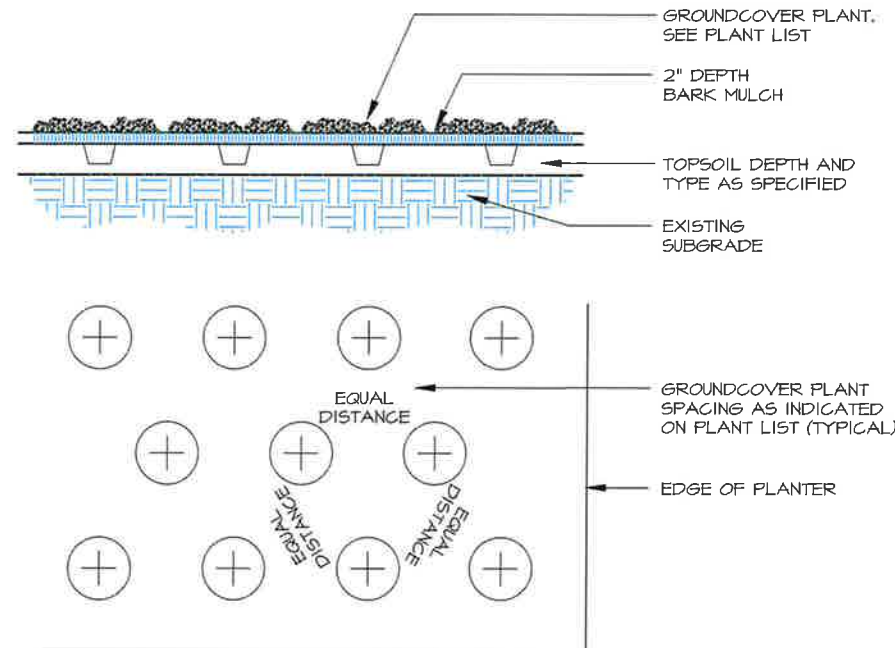
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1 CONTAINER TREE/SHRUB PLANTING (TYP.)
SCALE: NTS



2 BARE-ROOT SHRUB PLANTING (TYP.)
SCALE: NTS



3 GROUNDCOVER PLANTING (TYP.)
SCALE: NTS

FIGURE 4: PLANTING DETAILS
KIM RESIDENCE
1415 - 109TH AVE. SE
BELLEVUE, WA 98004
PARCEL #242570-0060



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